

Journal des étudiant-e-s
en droit de l'université McGill
McGill Law's
Weekly Student Newspaper

Volume 33, n°13
31 janvier 2012 | January 31st 2012

QUID NOVI

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en droit de l'université Mc Gill
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*Volume 33 n°13
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WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant
jeudi 17h à l'adresse : quid.law@mcgill.ca

Toute contribution doit indiquer le nom de
l'auteur, son année d'étude ainsi qu'un titre
pour l'article. L'article ne sera publiée qu'à la
discretion du comité de rédaction, qui

basera sa décision sur la politique de
rédaction.

Contributions should preferably be submitted as
a .doc attachment (and not, for instance, a
".docx").



HÉLIA
TAHERI

Co-Editor-in-Chief

THE PORTRAIT

I'm not sure what the theme of my editorial ought to be. Do I want to speak of the lack of space in Nahum Gelber Law Library? Not really, no.

Do I want to speak of the lack of resources provided to law students due to the library's welcoming of the whole McGill community? Not really, no.

Do I want to speak of the priority law students deserve over the library? Not really, no.

Do I want to speak of the administration's alleged failure to address law students' concerns? Not really, no.

These issues have been discussed by Nicola Langille and Scott Horne in their respective articles at pages 4 and 6 of this issue.

Bien que je ne sois pas entièrement d'accord avec tous les arguments avancés par les auteurs — par exemple, je trouve cela difficile de comparer la bibliothèque de droit au laboratoire de chimie: il ne faut pas oublier que les étudiants de chimie ouvrent autant de livres, sinon plus, que les étudiants de droit; alors pourquoi ne pas comparer une bibliothèque de droit à une bibliothèque de la faculté des sciences? — je ne crois pas que j'ergoterai sur ces questions.

I want to talk about issues that are more emotional than factual. I want to talk about acceptance, humility, pride and shame; about humanity. I do not believe that Ms. Larose's article misses "the" point. I do not believe that there is only one point to this issue. While Nicola and Scott express their concerns about lack of space and the administration response, Ms. Larose talks about human interactions.


As much as it breaks my heart to admit it, I am sometimes ashamed of calling myself a McGill Law student. We might want to step back for a few moments and think of this self-portrait that we exhibit. Please allow me to elaborate.

I guess you can call me a snail lover! Ever since my first year, I have brought friends to the faculty; sometimes we study together, sometimes we grab a bite, sometimes we chatter; sometimes we play foosball. And I have spent time at other faculties, for very similar purposes! I was bewildered by the discrepancy of hospitality when it came to greeting strangers in one's faculty. I was greeted with a smile and an inquiry on my name. My friends were greeted with a smile and snail-related comments, most of which were told in good ol' jest, but we all know a truth lies behind every good ol' jest. We all know the value of sarcasm and we all know how it feels to walk in a corridor with eyes surrounding us with judgment.

Our faculty's hallway is not a runway, and snails are not inexperienced, awkward models. Our faculty's hallway is not "our" territory and snails are not "the enemy". Our faculty's hallway is most definitely not the Royal Palace, and snails are not intruding peasants. It is just a hallway; just a hallway in a faculty. If we don't conceive of our faculty in these ways, why then do we convey the image that we do? Why do we behave as if our country has been invaded when we see SNAILS around? Aren't we slightly overreacting?

Je comprends à quel point cela puisse être frustrant de ne pas pouvoir trouver un espace adéquat dans la bibliothèque lorsque l'on jongle avec trois essais. J'admets que je n'ai jamais dû jongler avec trois essais et que cela influence sans doute mon opinion. Néanmoins, imaginer un étudiant de droit, avec une dizaine de livres de réserve sous les bras, qui doit absolument rester à l'intérieur de la bibliothèque et qui ne retrouve pas de place est une tâche fort laborieuse pour moi. Certes, l'inconvénient n'est pas totalement absent, mais est-il si insupportable que l'on ressent le besoin de lever le ton de la voix en présence d'un SNAIL afin de s'assurer que l'on se fait entendre dire : « c'est qui ces gens-là *anyways*? »; « undergrads, so immature ».

(continued on page 26)



**NICOLA
LANGILLE**

TALES OF SNAILS

REFOCUSING THE GELBER DEBATE

I am pleased to see that the issue of library space, while perhaps provocatively raised in the Quid two weeks ago, is coming into focus at our faculty. And yet, I say with the greatest respect that the last two submissions about the problem of non-law students in the law library completely miss the point. The issue is not that law students are intolerant egoists, but that there is inadequate space in our library (and in other campus libraries) in which to study. When forced to write 6-hour exams, or envision changes to the Civil Code (requiring poring over obscure pre-Codal reform documents on the fourth floor), and simply to succeed as law students generally, we need appropriate study space. And this is not space we currently have.

I find it surprising that students are often unwilling to even discuss stand-alone reasons for which it may be acceptable for law students to be guaranteed space in the library, and I first want to take this opportunity to do so. By stand-alone reasons, I mean justifications for reserving space in the library for law students apart from any general problem of inadequate library space (which, I think we can all agree, McGill faces). There are three potential stand-alone arguments. Note: throughout this discussion I use the term 'undergraduates' as a short-cut for non-law students (I am aware that we, too, are undergrads).

First, one of the great aspects of a McGill Law education (as rightly perceived by Ms Larose last week) is the community we are encouraged to create. So much of the McGill Law student's life is centred around the faculty as a physical space: all of our classes take place here, our lockers are

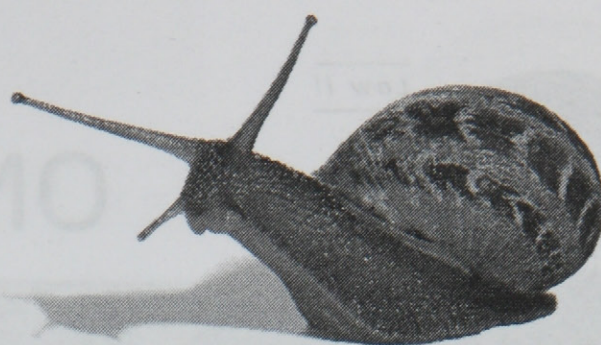
here, our coffeehouses and other social and extra-curricular activities take place here. We are encouraged to make NCDH and its adjoining structures the focal point of our 3.5-year term. It thus makes sense that the library that is part of this series of buildings would also be a place we should be able to consider part of our communitarian life, and that the students we find in that space would at least predominately be law students.

Second, Nahum Gelber library was partially (and I don't know the details regarding to what extent) built thanks to the generosity of over 300 members of the legal community. Past and current professors, future employers, and former students all contributed to building this library so that law students would have a place to do what is required of them as law students. Their goal, the very reason for their contributions, is not being realized. I don't think it is good for McGill or those donors to be deceived into thinking they are helping us. Donations, it seems, have ended up serving a purpose completely different from those they were earmarked to fulfil (helping undergrads rather than students from the faculty). This is not a sustainable way to run university fundraising.

Finally, there is the most central argument (a rebuttal one, I admit). When I discuss this issue with others, many (including last week's columnist) start from the position that 'we all pay tuition fees' and therefore 'we all have equal rights'. I find this position simplistic. In her piece, Ms Larose mentioned her love of books. I too love books. I also love chemicals. But paying tuition fees does not give me an unlimited right to access and play with chemicals at

the expense of McGill science students. Each faculty places different financial burdens on the university. A law degree is a relatively cheap endeavour: we require classrooms, professors, and (occasionally) clicker-technology-enabled screens. I don't mind that science students place a disproportionate financial burden on the university to the exclusion of others, because that's what they require to succeed in their degree and, ultimately, career. We require, beyond those basic tools I mentioned, a place in which to digest our materials. And I have a hard time accepting that this is an obscene thing to ask of a university, or that I should feel bad for holding this opinion.

I have heard two responses to this argument when I make it. The first response is that science labs were built for science students, whereas university libraries are built for all. I was at first persuaded by this reasoning, but soon realized it is a glaring tautology. A law library is only non-essential for law students alone and open to all if we decide it is open to all in the same way that, theoretically, McGill could have supervised lab drop-in hours for non-science students who miss titration. If someone were to respond to this point by saying that the labs might be less sustainable if untrained, science-averse students had access to them, I think they would be very on point. Our library is rendered less sustainable in the function it was intended to serve by allowing undergraduates to actually displace law students from their study spots (recognizing I am slipping away from stand-alone arguments here and into our inadequate space problem) and our studies are compromised as a result in a way comparable to the effect breaking all of the chemistry



CONTINUED FROM PREVIOUS PAGE

department's beakers would have on science students' studies.

The second response to the argument is that undergraduates also need library space and should have a right to it. I of course don't deny this for one moment. Library space should be ensured for undergraduates. Space should also be provided for us. I would never suggest that we should exclude any other faculty or person from accessing our materials, but, as I said before, I also don't think that saying our degree requires a quiet place in which to study is an unfair or particularly unreasonable demand (even apart from the context of space shortage I am about to address). And given this, it makes sense that our space be built around the materials most relevant to our studies.


And yet, especially since I sometimes have my own misgivings about the above arguments, I recognize that I may not have converted all readers to my allegedly elitist, exclusive perspective without some injection of reality into this discussion. The reality is this: when I arrived at the library at 10:15 AM to study last term, there were no seats remaining. Walking through the library, I was frustrated, stressed, and at times offended to see seats being reserved by anyone (I don't care whether law students or not) for hours at a time (I witnessed one particularly impressive 8-hour reservation period for someone's friend). Studies were continually interrupted by aggressive undergraduate make-out sessions and cell phone conversations in areas where such conversations were clearly audible to all. I often questioned my eyesight as I walked entire floors without recognizing anyone

from our faculty. When failing to find a spot, I would either sequester myself to the only remaining spot in the library by studying in isolation to the lulling hum of the basement boiler room, or try to find a spot in a New Chancellor Day Hall classroom. A quick spin though NCDH revealed that I was far from alone in my desperation: dozens of law students suffering forced exodus took shelter in the fluorescent sauna of the 3rd floor. For those of us for whom studying at home is not possible, neither of these options is viable or sustainable.

If we did not have these space shortages, then accepting or rejecting my stand-alone arguments would make no difference, for we would have no problem and would not need to take action to secure space for law students. There is nothing inferior or demeaning about having non-law students in our library (and I think sometimes we all get distracted by frankly lame and unhelpful terms like SNAILS). But it is problematic when their presence actually prevents us from studying, from accessing materials some of which they can't possibly want but that we might need, and quite simply from being successful law students. And when the rights of non-law and law students conflict in our extremely limited space, I have no problem using the arguments I made above to justify why our claim to this space should prevail.

Yet, I want to make it clear that what really matters in all of this discussion—and what should be the focus of our attention—is the general lack of library space on McGill campus, for undergrads and law students alike, particularly during high-

stress periods like exams. And what is perhaps most troublesome about this situation is that the administration (particularly the library staff, with which we have the most contact on this issue) at least gives appearances of not caring. Instead of sending emails reminding law students to be nice people, or having a librarian scathingly suggest I give the university millions of dollars when I try to talk to them reasonably about lack of space in McGill libraries, the administration needs to begin discussing the real issue: the status quo of inadequate library space is unacceptable for *all* students, law and non-law alike. Without an administration and library staff that is willing to engage in positive discussions about what our university can do to manage the stresses it faces, students feel alienated and their concerns belittled, and the university as a whole doesn't (or at least doesn't appear to) come to terms with the real extent of its needs. If the university were to open itself up to a discussion about its financial realities (and I have no doubt that the lack of library space is related to these realities), and students were engaged in that process, perhaps we wouldn't have riots on campus when tuition fees go up \$325. Regardless, students need to feel as if their very real concerns are being taken seriously. Such concerns, not whether law students are elitist or snails should be salted or not, are the heart of the matter. The university only stands to gain from beginning a process that will make this happen.



SCOTT
HORNE

ON LIBRARIES AND LIBERTINISM

Students not actually in law. Sometimes endearingly, sometimes not, they're known as SNAILS at law schools from Montréal to Melbourne. Mind you, we law students have nothing against them. After all, we were once SNAILS ourselves, in a past life. Oft o' nights, straining purblind over eighteenth-century appellate cases, we dream of changing places with our limacine friends.

Sad but true, our relationship has soured. "SNAIL" these days is often preceded by an Anglo-Saxon present participle, and pointed allusions to *Donoghue v Stevenson*, [1932] AC 562 (HL), have become commonplace. But who can blame us for resenting the hordes of SNAILS that deprive us of our library? Tolerable enough at the start of the semester, they multiply and proliferate so quickly as to crowd us out by mid-term, frequently taking up all but two or three seats. Quantitative change, in Hegel's memorable words, gives rise to qualitative change: the law library becomes unusable for its intended purpose.

We don't blame the SNAILS for coming; we rather blame the university's administration, which in December dismissed numerous complaints with the treacly platitude that "all members of the McGill community are welcome to use the Gelber Law Library". As justification for not ensuring our access to the library, this position reeks of namby-pamby liberalism à outrance. It is rooted in an equivocation on the term "use". SNAILS that use the library *as a law library*, for legal study and research, are most welcome; no one objects to their presence. But the vast majority of SNAILS use it only as a warm building that incidentally—perhaps even inconveniently—houses a library. The only resources that they ever use are the tables and chairs. All are welcome to use the library—for *what?* any purpose whatsoever?

All are welcome to use the public thoroughfares, but not for parking cars or playing hopscotch.

Good stewardship of a scarce resource is essential. The university's administration knows this well: it reserves athletic facilities for varsity athletes and practice rooms for music students; it even allows graduate students in the Faculty to reserve carrels in our library. Yet the library's doors are thrown open to all on a putatively equal basis—in wide-eyed innocence of what SNAILS actually do there: playing video games, fooling around on Facebook, conversing, even eating and sleeping. Some SNAILS, it is true, come to do their algebra homework or read about hepatic disorders. But those activities can be done anywhere; our research and study cannot. "Equal" access for everyone means decidedly unequal access for those of us who need it most. Out-numbered sixty to one, we are inexorably excluded from our own library.

Law students deserve priority during busy times. Unlike SNAILS, we need the law library: no other facility has the resources that we require. To the extent that law students need access, people who are just taking up seats should be required to make way. We don't claim the library as our exclusive demesne; we merely claim priority.

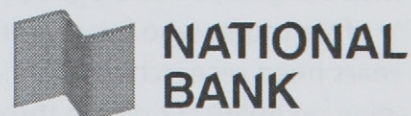
Our "library" has been shamefully reduced to a repository of tables and chairs. The university's asinine policy disfavours law students, degrades our dear librarians, and dishonours the donors who built the library—all in the name of some trendy nihilist brand of pseudo-egalitarianism. Until the policy changes, you'll know why irate law students retain as our watchword Psalm lviii.8: "As a snail which melteth, let every one of them pass away."

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DAVID
GROVES

Law |

THE OPTIMIST

GETTING OLD, STAYING THE SAME ?

"If you're conservative when you're young, you have no heart. If you're liberal when you're old, you have no head." Among the various empty political aphorisms that refuse to find a quiet place and die, this one is the worst. When I was younger, I went to a very conservative school, and not being a very conservative guy, I wound up in dozens of debates with fellow students that ended with: "well, of course you would think that – you're young." Never mind the implication that they are heartless monsters, twisted into conservative cold-bloodedness well before their time; according to them, I was liberal because I had no head, and if I had one, I'd probably also want a lower capital gains tax, or a deregulated energy industry, or even a *Patriot Act* of my own. With time, I would come to grow out of my boyhood dreams of equality of opportunity and green energy, just like I eventually grew out of Pokémon and putting Cheez Whiz on celery. Even now, my most heated *Revenge of the Nerds*-style fantasies involved me cruising back to my old high school in a monster truck, finding my political nemesis – who told me I was brainless for wanting George Bush to lose in 2004 – and reading out a list of everything that went horribly wrong between the years of 2004 and 2008, all while women in bikinis spray champagne everywhere.

It was therefore with great pleasure that I read last week in *Discovery News* of the work of Nick Dangelis, a sociologist at the University of Vermont, who has over the last five years been researching the effects of aging on political opinion through extensive surveying. The conclusion:

"groups of people actually became more tolerant, not more conservative, after age 60." Of course, tolerance has little to do with most political beliefs, especially where the economy or the environment are concerned. But the point is that the connection between age and ideology isn't so clear-cut. My grandmother had pictures of Trudeau and Chrétien in the middle of her mantelpiece, and at times I found myself arguing well to the right of her. A second and probably more important point in the article comes from another sociologist, Karl Pillemer: "what's happening in society at large as people come of age seems to matter most in determining the starting point for their core beliefs." In other words, age might not even have anything to do with it! Instead, we might draw political views from our experiences, or books we read, or teachers we have, and those views might be capable of change. How radical!

Perhaps I'm a little too hung up on this, but we should all be relieved that "Childish Liberalism v. Hoary Conservatism" may finally get put out to pasture. The age-ideology connection belongs to a dangerous category of untested common-sense that makes political persuasion an impossible task. For one thing, it reinforces a notion, on both sides of the aisle, of inherent superiority. Liberals get to say they're more compassionate, and conservatives get to say they're smarter. Of course, if you actually spend time with people who disagree with you politically, you might find that they are, surprise surprise, diverse and complicated people, not unlike the people you agree with. But why would you make that effort if you know they're either

going to be callous and self-interested or feeble-minded and over-emotional?

To say that your age dictates your beliefs creates a chasm between different perspectives. Neither side actually has to do any real persuading; rather, if I can't convince you, it's simply because you lack the thing (tempered experience, youthful energy) necessary to be convinced. Debate over. It defines politics so thoroughly as a part of identity that you might as well not even try converting a person – you'd have just as much luck telling them to change their eye colour or stop liking *Doctor Who*.

If we start from the assumption that genuine political debate is a process of sifting for the best, most compelling ideas out there on how to govern and live, then the idea that our physiology actually prevents us from persuading or being persuaded is kind of terrifying. It makes the only useful kind of communication the kind that preaches to the choir, the kind that makes those attuned to it more excited, more scared of the other side, or more willing to get involved. Politicians call this "divisive rhetoric" when it's against them and "exciting the base" when it's for them. At any rate they know it works and they know how to use it, and it will remain more useful than actual outreach until we divorce ourselves from the idea that our views spring unalterably and immovably from who we are. Regardless of your feelings towards all-day *Matlock* marathons and doilies with birds stitched into them, persuasion is possible. Age is nothing but a number.

Law I

LUDOVIC
BOURDAGES

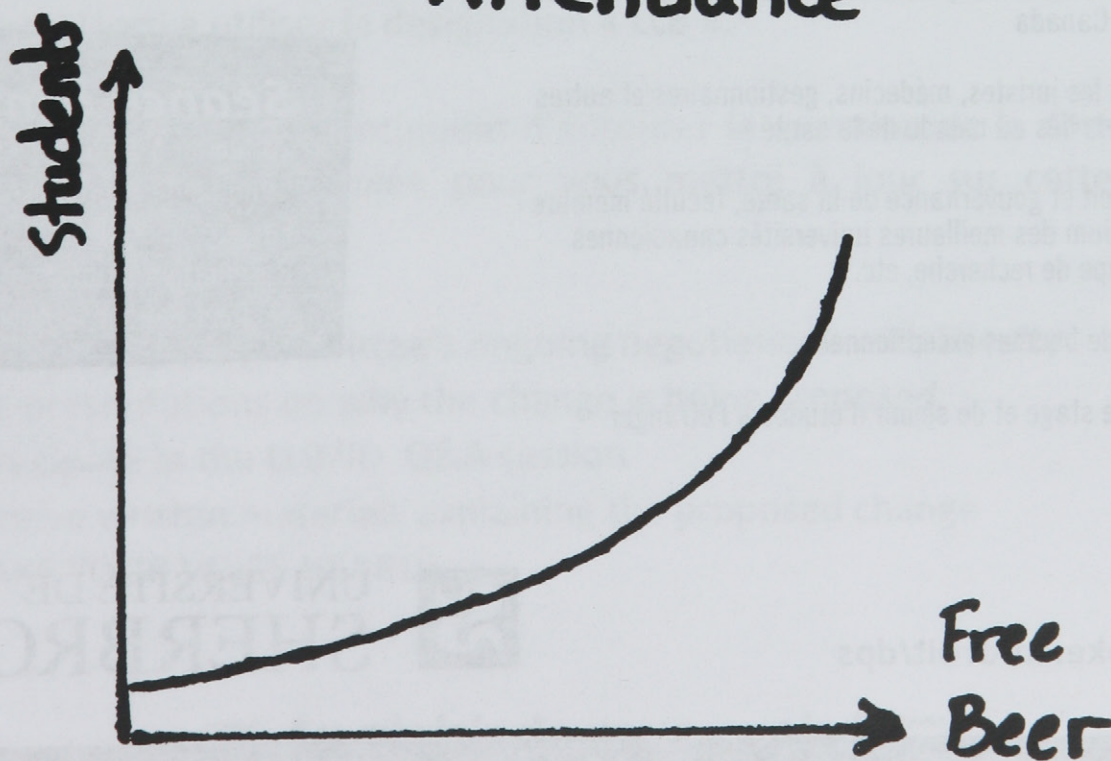
Je pense encore à toi
à nos coïts avortés
à tes mains de chirurgienne
caressant mon corps nu et étendu
sur la table de dissection
bercé par ton regard anesthésique
la morphine dégoulinant de tes lèvres
à ma bouche intubée
à ma poitrine éventrée
à mon sexe dilaté
mes yeux se ferment
avant que tu me découpes
à cœur ouvert.

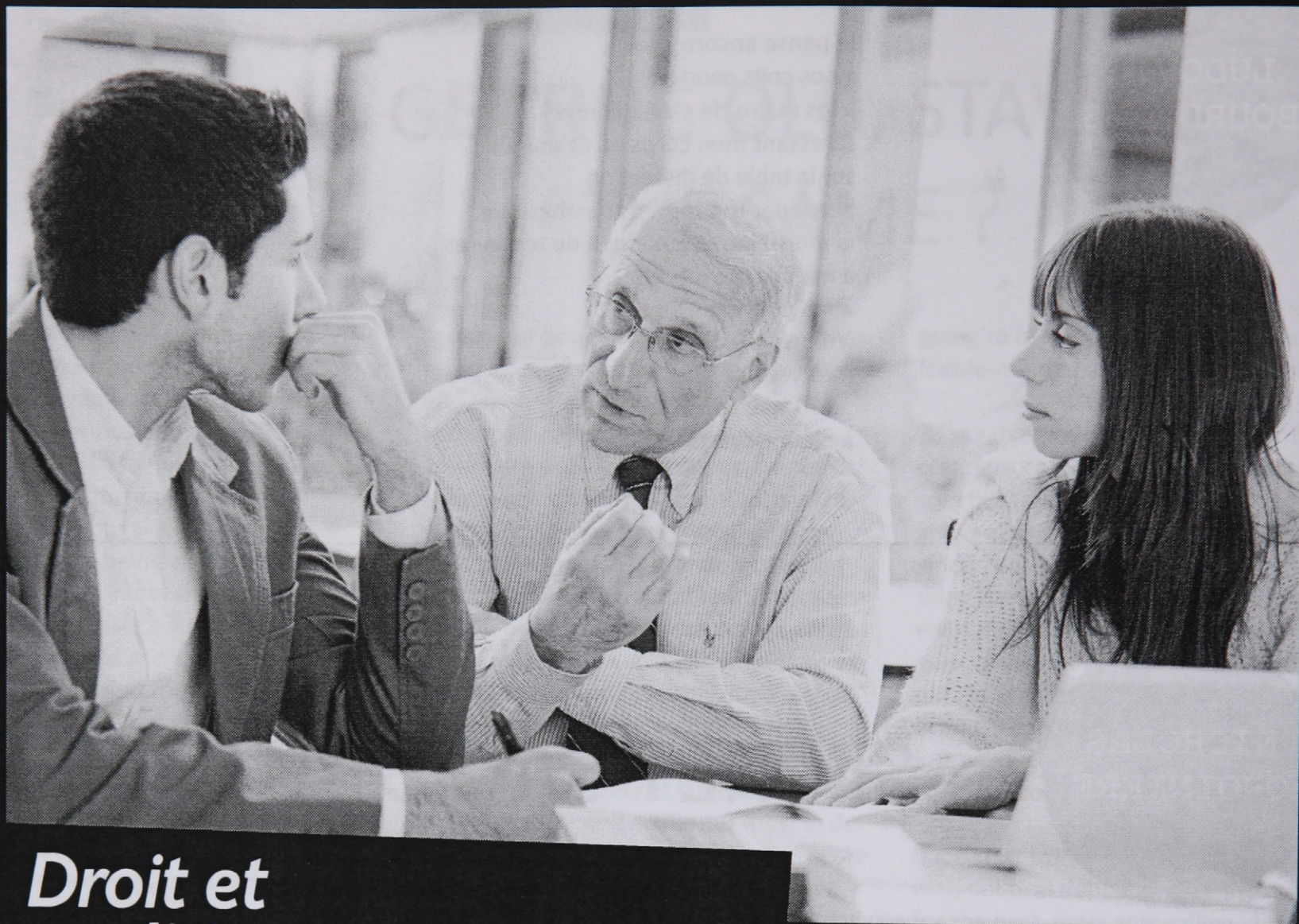
Law II

NICHOLAS
CHOINIÈRE

SECRET SAO STATISTICS

#20 - Coffeehouse
Attendance





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NOTICE OF ASSEMBLY AVIS D'ASSEMBLÉE

Juris Doctor McGillensis (JD McGill)

Why: To update students on the JD/LLB conversion process
When: Wednesday, Feb. 1, 12h30 – 14h30
Where: Moot Court, NCDH
Who: You!

Refreshments will be served for those who stay to hear the details!

Lors du référendum tenu en avril 2011, les étudiant(e)s de droit de McGill ont voté en faveur d'un changement de désignation du diplôme de *common law* de « LLB » à « JD » (Juris Doctor). McGill est maintenant la dernière faculté de droit en Amérique du Nord à utiliser la désignation « LLB ».

Beaucoup d'idées fausses continuent d'entourer la question de la conversion de LLB à JD. Venez à l'assemblée pour vous mettre à jour sur cette question importante !

- Hear about the Committee's ongoing negotiations with Faculty
- See presentations on why the change is being proposed
- Participate in the LLB/JD Q&A session
- Receive written materials explaining the proposed change
- MAKE YOUR VOICE HEARD!

~~ Au plaisir de vous y voir ! ~~

LLB TO JD: THE WAY FORWARD FOR MCGILL

LLB V. JD: TALK TO TALK, TIME TO LISTEN

This Wednesday, February 1, JD-McGill (a committee of the Law Students Association) will hold a JD Town Hall in the Moot Court from 12h30 to 14h30. During this public meeting, we hope to provide students with an update on the progress of McGill Law toward transitioning to from the LLB to the *Juris Doctor* (JD) degree.

This Town Hall will be an opportunity to dispel some of the rumours and falsehoods that have surrounded the JD at McGill for the last several years. In the following paragraphs, we will try to raise some of the typical arguments, both pro- and anti-, raised in recent JD discussions.

THE PREVAILING TREND TOWARD THE JD

The LLB is a Bachelor of Laws, from the Latin *Legum Baccalaureus*. In North America, it was the standard first degree in Common law until the second half of the 20th century. It has also been standard in most Commonwealth jurisdictions since the 19th century.

The JD, or *Juris Doctor*, was first granted by American universities in the place of the LLB the late 19th century. The new degree was meant to designate more comprehensive legal training than the American LLB, which was regarded strictly as a professional diploma. In 1971, Yale became the last U.S. university to replace the LLB with the JD. Canada, Australia, Japan and the Philippines have also been changing to the JD since the 1990s.

Since 2001, fifteen of Canada's sixteen Common-law faculties have moved to replace the LLB with the JD designation. In that year, the University of Toronto be-

came the first to adopt the JD. Since 2008, all other Canadian law faculties have followed suit (see chart). Moncton and New Brunswick are currently transitioning to the JD.

Lors du référendum tenu en avril 2011, les étudiant(e)s de droit de McGill ont voté en faveur d'un changement de désignation du diplôme de *common law* de « LLB » à « JD » (*Juris Doctor*). McGill est maintenant la dernière faculté de droit en Amérique du Nord à utiliser la désignation « LLB ». The results of the referendum were 212 (68.4%) in favour of changing the name of our common law degree from LLB to JD, 87 opposed and 11 spoiled. Total turnout was 310, or roughly 45% of the student body. Néanmoins, beaucoup d'idées fausses continuent d'entourer la question de la Conversion de LLB à JD.

The move toward the JD degree has been student-initiated in other Canadian common law faculties, with referendum votes by the student body followed by alumni consultation, adoption of the change by university senates, and approval by the appropriate provincial ministry of education. Every university that has adopted the JD gives its alumni the option of exchanging their LLB diplomas for JD degrees, either free of charge or upon payment of a nominal fee.

ARGUMENTS IN FAVOUR OF A SWITCH

The overwhelming trend at other Canadian common law faculties: With the sole exception of McGill, all Canadian faculties of Common law have adopted the JD designation or are in the process of doing so. LLB graduates may therefore be regarded as outliers in the Canadian common law context, if only from a cosmetic, psychological standpoint. The LLB may come to ap-

pear antiquated and confusing, to the disadvantage of LLB holders. Moreover, the potential for uncertainty and doubt as to the value of a Canadian LLB in American and foreign markets will only increase once all other Canadian universities have transitioned to the JD by 2012.

Perceived advantages in U.S. and foreign job markets:

A Dalhousie quantitative study found that 56% of LLB alumni working abroad had themselves experienced or were aware of others who had experienced confusion or adverse treatment due to the LLB designation. Furthermore, a University of Windsor report indicated that certain overseas legal communities (i.e. Hong Kong, Japan) view the JD as a higher level of education and accord it preference when hiring.

This concern is especially relevant at McGill, many of whose graduates go on to work internationally. Owing to the LLB designation, some have experienced difficulties in obtaining employment. For example, the Dean's office has had to directly intercede on behalf of students applying for jobs at the United Nations. The Dalhousie report mentioned difficulties in obtaining visas and work permits in the UK and Australia.

In response to this concern, the administration has raised the argument that the McGill "brand" stands apart from the degree name, and that employers overseas are aware of what a McGill diploma means. While we understand the administration may be in a better position to assess this claim, we have not been provided with any concrete information that substantiates it.

Juris Doctor better reflects the value of the common law degree: The LLB is typically seen as a first degree. A move to the

PROGRAMMES DE PREMIER CYCLE EN DROIT AU CANADA

À remarquer : (1) parmi les programmes de common law au Canada, tous sauf McGill octroient le JD; et

(2) parmi tous les programmes de droit canadiens, seul celui de McGill utilise le signe LLB pour désigner un diplôme de common law (Laval, UQAM, UdeM et Sherbrooke l'utilisent pour le droit civil).

	2000	année du changement	2012
Programmes de common law			
1. University of Toronto	LLB	2001	JD
2. Queen's University	LLB	2008	JD
3. University of British Columbia	LLB	2008	JD
4. University of Western Ontario	LLB	2008	JD
5. York University (Osgoode Hall)	LLB	2009	JD
6. University of Calgary	LLB	2010	JD
7. University of Ottawa	LLB	2010	JD
8. University of Saskatchewan	LLB	2010	JD
9. University of Victoria	LLB	2010	JD
10. University of Windsor	LLB	2010	JD
11. Dalhousie University (Schulich)	LLB	2011	JD
12. University of Alberta	LLB	2011	JD
13. University of Manitoba (Robson)	LLB	2011	JD
14. University of Montréal	LLB	2011	JD
15. Université de Moncton	LLB	2012	JD
16. University of New Brunswick	DESS	2012	JD
17. Université de Sherbrooke	n/a	n/a	JD
Programmes de droit civil			
1. Université Laval	LLB	n/a	LLB
2. UQAM	LLB	n/a	LLB
3. Université de Montréal	LLB	n/a	LLB
4. Université d'Ottawa	LLL	n/a	LLL
5. Université de Sherbrooke	LLB	n/a	LLB
Programmes combinés (bijuridiques)			
1. McGill University (programme trans-systémique)	LLB	BCL	n/a
2. Université d'Ottawa (programme de droit canadien)	LLB	LLL	2010 / n/a
3. Université de Montréal (cheminement accéléré)	DESS	LLB	2011 / n/a

JD would enhance and strengthen the perceived value of the McGill common law degree. That said, the proposed JD designation would be a change in degree title only. It would in no way affect the entrance standards, content or academic requirements of the trans-systemic legal program offered by McGill Law. The BCL/JD would continue to be an undergraduate degree program fully accessible to Quebec CÉGEP graduates, and would continue to be designated as an undergrad program by McGill University and the government of Quebec. We note that other professional doctorates such as the MD (Doctor of Medicine) are awarded to students coming directly from CÉGEP, and

some other Canadian JD programs (i.e. Alberta) admit students who hold no prior university degree.

Recruitment may be adversely affected by offering an LLB: Faculties of law have reported that prospective students do ask about the JD/LLB issue. While this issue may have been less important several years ago when fewer faculties were making the switch, today's academic landscape in which McGill's LLB stands alone may cause this concern to grow in importance.

Potential confusion in and outside Quebec re the LLB: In all other Quebec university law faculties, the LLB designation is

used to confer civil law degrees, rather than those in common law. The McGill LLB could thus potentially be mistaken as civilian in nature. A move to the standardized JD would obviously eliminate this potential problem.

Potential difficulty in pursuing graduate studies outside Canada: A Dalhousie Law study found that among LLB alumni respondents who went on to pursue graduate studies in law outside Canada, 24.3% indicated they had experienced or were aware of others experiencing confusion or adverse treatment in non-Canadian jurisdictions as a result of the LLB designation.

CONTINUES ON NEXT PAGE

ARGUMENTS AGAINST A SWITCH

Tradition: Some have argued that McGill Law has a long and venerable history of awarding the LLB, and we should not disturb this tradition. All other Canadian common law faculties, however, once enjoyed this same tradition, but ultimately found good reasons to abandon it. Given the unique nature of McGill's trans-systemic program compared to other universities, a counter-argument to this would be that a move to the JD in itself will not adversely affect McGill's strong and unique reputation.

"Americanization" of the McGill degree: The J.D. would place McGill more closely in line with American legal nomenclature. As such, adopting the traditionally American title JD may reduce our institution's distinctiveness in the U.S. market. On the other hand, the JD is now the common standard not only in the U.S., but in Canada and many other countries around the world.

NEXT STEPS: THE WAY FORWARD

The JD-McGill Committee is committed to ensuring that all voices are heard, as we advocate for a change in our common law degree designation from JD to LLB. In the weeks and months ahead, we will continue to consult students, Faculty members, law alumni, and potential employers to ensure we receive the broadest possible input and feedback from all relevant stakeholders regarding the JD concept.


Ultimately, in order for the JD to take effect, we will require the support and approval not only of the Dean and Faculty Council, but also approval from the McGill University Senate and the Quebec Ministry of Education. That said, these last steps are likely to follow if Faculty Council places its stamp of approval on this project.

In a motion passed on Sept. 26, 2011, LSA Council formally resolved to "dedicate its resources, to the best of its ability, to advocate in favour of changing the name of

our common law degree from LLB to JD." However, little progress has been made in the intervening period. We consider the JD issue to be of paramount importance. McGill Law students deserve every possible advantage as they seek to make their academic knowledge marketable to future employers or graduate studies programs.

Clearly, a continuation of the LLB may present potential obstacles in this regard. Externally, the antiquated common law LLB may also serve to make McGill appear to be something of an academic laggard, which is anything but the case given the high quality of the Faculty's legal instruction and research. We consider this most unfortunate, and will continue to work with students, Faculty and external players to ensure that McGill Law remains at the forefront of Canadian legal education. The February 1st Town Hall will be an important step in this process.

Research Administrator



ALISON
GLASER

STUDENT COLLOQUIUM

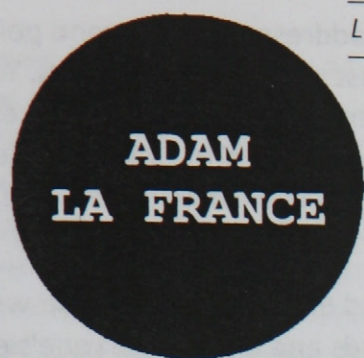
Do you want to potentially boost your grade by getting feedback from your profs and peers? Interested in sharing your hard work with awesome people and getting a pat on the back (and some wine)? Then sign up to present at this year's Student Colloquium.

What: a mini conference for students who are writing or have recently written a term paper or honours thesis. Students will present their work and get feedback from professors and other students in the audience.

Quand: le vendredi 2 mars 2012.

Pour participer, envoyez un courriel à Alison au Bureau de la recherche (Alison.glaser@mcgill.ca) avant le **3 février** avec votre nom et le sujet de votre essai. La journée du colloque, vous aurez environ 15 minutes pour présenter votre travail, suivi par des questions des autres participants et du modérateur. Après, vous pourrez vous détendre avec un peu de vin et des fromages!

Hope to see you there!



Law III

WHEN GRADES FAIL

Note: The following comments (and responses) were written last May prior to grades being released for the Winter 2011 term. After reading several well written pieces in last week's edition of the Quid, however, I was struck by how every time grades are posted we collectively seem to address the symptoms rather the cause. As such, I felt compelled to republish this piece.

On the eve of marks being released for another term, I'm reminded of just how little letter grades actually matter in a place like law school. During my time at McGill Law, I have genuinely come to believe that ALL law school courses should be evaluated on a Fail/Pass/High Pass basis. Hear me out.

- Grades are not reflective of substantive knowledge:

Anyone who knows a subject front-to-back only to get a poor grade, much like anyone who never went to a single class but crammed and still did well, can attest to the fact that your grades doesn't always represent what you actually know.

Moreover, in a program as heavily bell-curved as McGill Law, grades don't represent what you know but simply where you sit in relation to everyone else in the class. The rigid nature of the bell-curve also brings me to my next point.

- Grades make law students academically apathetic or misguided keeners:

If you're pretty much guaranteed a B range grade irrespective of how much effort you put in (think of Legal Methodology), are you *really* going to go that extra mile? Simply put, what's the point of trying if the end result is the same?

I know what you're probably thinking: if you get rid of grades won't people care even less? Not if you set the bar to get a passing grade higher, say roughly equal to a C+/B-. "Pass" doesn't have to mean 50% or better.

The flip side is that for those law students who are genuinely concerned about getting the best possible mark in any given class, grades only distract from actual learning. Rather than focusing on expanding personal knowledge, grades only motivate the keeners to do well on assignments or exams. When all you do is study for the test, what are you really learning?

Don't worry, a Pass/Fail system will still appeal to the appeal to the keeners too. If you thought an "A" was prestigious, just think about showing off a rare "High Pass". All this to say that a Pass/Fail system can still recognize academic distinction when it is warranted.

On a personal note, some of the most educationally rewarding experiences I've had in law school thus far have been in Pass/Fail courses. By taking the pressure & emphasis off grades, I had the opportunity to actually learn a thing or two. Fancy that.

- Grades are an arbitrary benchmark for life after law school:

I know that some might say, "If not for my GPA, how can I distinguish myself from my peers when competing for jobs after school?" Guess what? If you really want to distinguish yourself, get active, get involved in a cause and actually DO something to distinguish yourself.

Besides, if my experience during the "course aux stages" this past year is any indication, anything above a 3.0 GPA at McGill is pretty competitive. So why not set the bar for a Pass at a comparable level and be done with it?

For a school that likes to bill itself as the "Harvard of the North", why not act like the Harvard of the South and do away with letter grades (<http://www.law.harvard.edu/current/careers/ocs/employers/about-our-students/grading.html>). If McGill really is a top-tier law school, can we not legitimately expect prospective employers to recognize the fact that a "Pass" from McGill is a competitive mark?

The bottom line is that law school grades don't matter and we'll all be better off as soon as we acknowledge it.

Anyways, that's about all the rant that I had to make. Please feel free to chime in with your two cents, any thoughts or comments are appreciated! Finally, regardless of what tomorrow may bring, just remember that "you're cool, we're cool and we belong together" (Dean Jutras, 2009 Welcome Speech).

Cheers,
Adam

RESPONSES

Lucas Collecchia: The solution isn't the elimination of grades. It is the introduction of quantitative methods of testing. Bring tests

during the term that ask multiple-choice questions on the cases. Remove 'participation' as an ambivalent category and set targets for set amounts of grades. If students all end up excelling, I guess we'll just have to pat ourselves on the back for getting people to want to learn.

The law faculty is a complete joke, and everyone knows it. People will drift by at B, and they can excel and still hit B. There's no pressure to standardize tests over years to provide comprehensive analysis of teacher success or student engagement. No wonder no one fills out our class evaluation forms: no one cares enough, given the lack of basic tools provided by the faculty.

But it doesn't stop there. Our student society's main job is tossing cash at various niche clubs and subsidizing alcohol and food at the faculty rather than attempting to enrich the experience by addressing academic concerns. The various student run initiatives have fallen very far short of those which have been taken up by a number of other faculties on campus. Instead we write up rules. Fantastic rules. And we continue doing it because it's convenient, simple and comforting.

So no, we're not cool. There's nothing cool about anything which has gone on. We've settled for an experience which is a shadow of what it could be and we have no one to blame but ourselves for not demanding better.

Adam's Response to Lucas:

Although I agree that the methods of evaluation at law school could be improved, that's a whole other can of worms. While related, arguments about various types of testing are distinct from arguments about the effectiveness of a letter-based grading scheme.

That said, I don't think standardized testing is an effective solution either. Just look at the LSAT. I disagree with the notion that the LSAT is an accurate indicator of how well someone will do in law school. To the same end, introducing standardized multiple choice tests in law school won't be any better at determining how good of a lawyer you'll be.

My main point is that letter based grading systems in law school are not an effective indicator of substantive knowledge for anyone. Not for students, not for teachers, not for employers.

Students need detailed feedback and constructive criticism in order to understand their strengths and weaknesses. Teachers need the flexibility and liberty to give that feedback without worrying where a student fits into a rigid grading rubric or bell-curve. Employers need to shift their recruitment processes away from a GPA-centric approach and focus on other means of selecting candidates.

I also think getting rid of grades addresses your second point. The bell-curve pits student against each other for marks. You want to improve students' academic and extra-curricular experience? Take the emphasis off marks and encourage people to actually get involved by fostering an environment where learning isn't a zero-sum game.

A "Pass/Fail" system would get rid of the antagonism between students, raise academic standards and enrich everyone's experience both in and outside the classroom.

The long and the short of it is that we should demand better. We do have a student government and a whole mess of rules at our disposal. Why not use them to change things?

Edward Bechard-Torres:

I don't think the problems Adam's succinctly outlined will be solved with pass/fail/high pass grading rubric. It would be a less clear indicator of substantive knowledge. True, it would require

someone to be evaluated according to what they know and can produce and not to their relative quality of output, but it's hard to imagine it working out any other way than the vast majority of students being assigned a 'pass'. That seemed to be the case for this year's second-year moots, where that rubric was used. And getting a 'pass' won't be reflective of much if nearly everyone is getting nothing but passes. That's the same problem everyone has had with McGill's insistence on a high curve peaking on the B. People would coast on passes, to be sure. It's hard to imagine, as Adam suggests, the faculty setting

the 'fail' standard very high (which would require students to re-take courses that are a treasured, scarce commodity here). Even if it were set at, say, today's C+ that would still mean most students could leave free of fear that they'd fail a course.

It's true that a competitive grading scheme will incite students to focus on grades more than a pass/fail/high pass system. That's one of the reasons (I believe) the faculty has adopted the suggested grading curve it has. At any rate, this is probably the space where debates around evaluative methods should take place. Presumably tests could be designed to better reflect students' substantive knowledge. That, coupled with a complete abandonment of a grading curve or 'target average' would allow grades to better reflect 'substantive knowledge' of what was taught in course.

And grades are useful signals to both students and prospective employers and graduate schools. They may not signal intelligence, but they can signal the extent to which a student has

B

mastered the legal concepts and their application within a given course and even the student's level of passion and interest for a particular subject. Extra-curricular and community engagement are even more limited in their ability signal those things. Grades obviously don't tell the whole story, but my impression of the 'course-aux-stages' was that employers were as interested in community engagement, personality and extra-curricular interests as they were in grades. Also, hiring committees of at least the big Montreal firms--staffed often by a small army of qualified and thoughtful lawyers--should be free to put as much weight on the grades issued as they think is wise and not to have students or the law faculty make the decision for them by intentionally obscuring the signaling value of grades issued. Besides, if students were made to rely wholly on extra-curriculars to set them apart, you'd expect there to be some tense competition for prominent positions and influence within those groups, communities or causes. That's probably worse than having students compete in a classroom, since it is easier to learn individually in a classroom than it is to work in or direct an internally competitive group.

Lastly, I don't think the solution is quantitative testing. First, multiple-choice questions cannot easily be designed to test the important things like issue spotting and legal reasoning or even to fairly test complex conceptual analysis. Also, the subjectivity of legal reasoning is something that lawyers—who provide a service that will be subjectively evaluated by a client or judge—will just have to accept.

Adam's Response to Edward:

I think your first criticism can be addressed in part by the arguments Lucas raised. What's clear from the 2L moots (i.e. show up, stand up, say something = pass) is that a poorly structured system will generate poor results. Thus, if a Pass/Fail system is truly to work, it would require a serious re-examination of evaluation methods coupled with a very specific articulation for students as to what was actually required to pass.

Under a P/F system, I don't think failing a class should necessarily be perceived as a bad thing. A "Fail" simply means that a student hasn't met the requisite standard for the course, not that they themselves are a failure. A quick look at the current grade distribution tables shows that currently a few people DO fail any given class, and often have to repeat the course in order to graduate. I don't think that a P/F system wouldn't set drastically different academic standards from what we have now, but it would radically alter how these standards are perceived and met by students.

I think there is a genuine fear of failure which permeates the Law Faculty, and this is in large part due to the competitive atmosphere that a letter-based grading system engenders. Why would getting rid of this fear of failure be a bad thing? If anything, it might encourage students to think critically and feel free to advance different opinions about the law, rather than simply regurgitating the doctrine we read & hear (3Ls, think of your term paper for Advanced Civil Obs last year). Moreover, getting students used to failing every now and then might actually be good practice for the real world. Even the best lawyers don't win every case.

As for the signaling value of grades, let's not overestimate things. It's well-known both in and outside law schools that not all GPAs are created equally; employers know that an "A" doesn't mean the same thing at every law school. As such, prospective employers generally uses grades as a cut-off point to help in the initial triage of applicants. But this just brings me back to my initial point: set the bar higher so that employers know that a "Pass" from McGill meets their standards. The bottom line is that law

school should be first and foremost about providing students with a quality education, not worrying about how students will be perceived by prospective employers. Do you really think graduates of Harvard Law and Yale Law are having a hard time getting jobs because they've adopted P/F systems?

I do agree that most firms showed an interest in extra-curriculars and civic engagement. But it's also worth mentioning that not all law students are interested in working for law firms. Not all recruitment processes are as competitive as the course-aux-stages, and not all employers require the same extent of signaling

that letter grades purport to provide. My worry is that for law students whose professional ambitions don't require top marks, a letter based grading system not only doesn't serve any practical purpose, it distracts & detracts from a quality legal education. And for those who do need top marks, that's what a "High Pass" is for.

Again, these are just my thoughts. Any comments or criticism are welcome, keep 'em coming!

Disclaimer: While I have received a range of grades along the curve, and will happily divulge my GPA to anyone who truly cares, I will be graduating this spring and have no vested interest in changing the current status quo. This isn't an appeal for me but for those to come.

CHARLIE
FELDMAN

ACTUS REUS PRESENTS: THE MOUSETRAP (OR WHY I LOVE KATIE WEBBER)

To further a tradition of terrible theatre reviews and trifling tries at alliteration, I saw and savoured Actus Reus' delightful and daring production of 'The Mousetrap' by Agatha Christie.

If you're reading this, you've missed your chance to see the play so I don't feel bad about spoilers. And really, the only spoil here goes to the audience, spoiled by Actus Reus' strongest ensemble cast in years. (Disclaimer: I've only seen four Actus Reus productions, which doesn't really qualify me to make that statement. But then again, I took final exams having reading less than four cases and that didn't stop my from pontificating... so... :-P)

Katie Webber shined as she always does – I don't even know why she bothers attending law school when it's obvious she needs to become a character actress. I only regret that her character died not that long into the play so we didn't get to see more of her. Also, if it's not obvious I am truly, madly, deeply – Savage Garden style – infatuated with her, I guess it is now!

Really, standout performances all around, and mostly from newcomers. I realize it would be nice to give names and single out roles, but I'm writing this having lost my program so you'll have to forgive me. Best accent award goes to the guy who played Giles Ralston (insert name here) while most hilarious goes to



Katie Webber: is there anything she can't do?

Derek Z, because I've arbitrarily decided. Most unexpected character goes to Chris Durrant, because really, WHO SAW THAT COMING!?

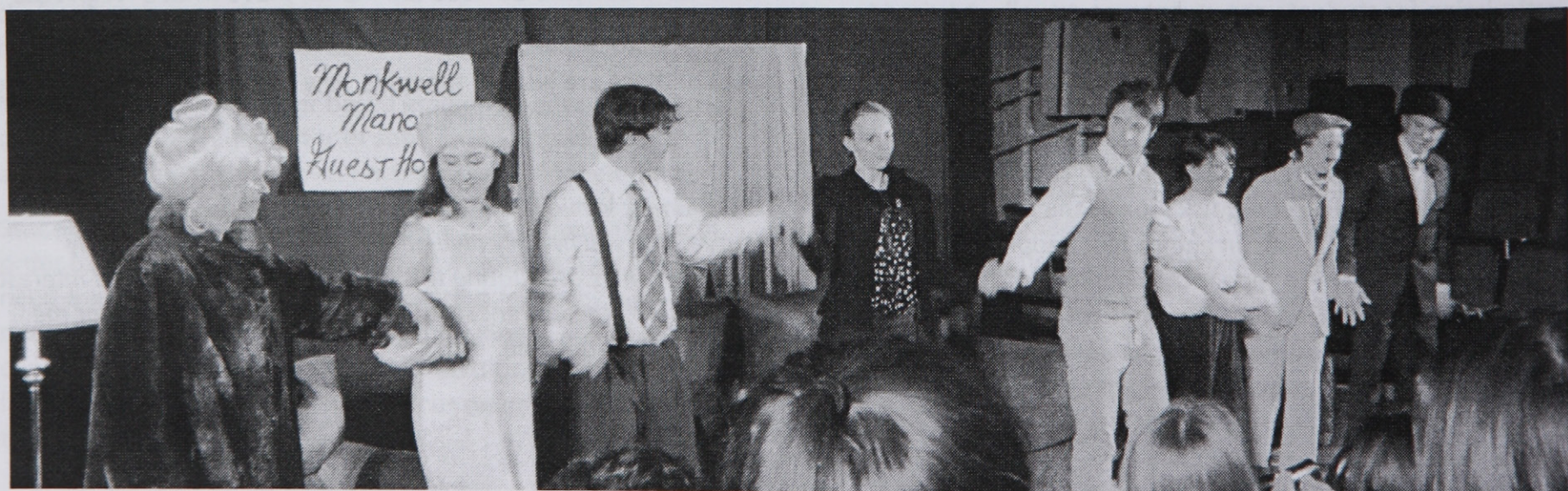
Really, truly, I enjoyed this murder mystery / whodunit. It made me nostalgic for Prof. Klein's Criminal Evidence and Criminal Procedure courses, which you all should take because they are amazing. It also made me wonder what I remembered from Criminal Law... and that's as far as I got on that question before deciding that the course should be built around this play – Curriculum Committee, consider this your notice.

Everyone did a great job and it truly was enjoyable. While I could quibble that some points were belaboured, this is an issue for me to take up with Agatha Christie, who would surely have failed Legal Meth for not being point first in her writing.

Also, I was told there was an intermission (who lied to me!?) and as such I kept thinking 'THIS IS THE LONGEST FIRST ACT EVER!' But really, it was a great time and props to everyone for all the hard work that went into the show. It's truly

amazing and inspiring that y'all memorize everything and manage rehearsal on top of all law school entails!

Bravo, Actus Reus on a job well done. And Katie Webber, will you marry me? In the alternative, will your character, Mrs. Boyle, marry me? I think I'm in love...



With an ensemble this strong and many new faces on the Moot Court stage, I can hardly wait to see the next Actus Reus production!

SAO ANNOUNCEMENTS

EXAM NUMBERS, ROOM REQUESTS AND OFFICE/DROP-IN HOURS

Exam numbers

NEW this term and available now on Minerva, the Law Exam number (4 digit, term specific) is displayed under the "Student Menu", click on "Registration Menu" and go to the "Check your Registration Eligibility and Verify your curriculum" page. The Law Exam# is listed on the left, just above "Earned Credit."

The Law Exam# for the current term will be displayed only (cannot view previous terms).

Due to this new functionality on Minerva, the SAO will no longer provide stickers.

The Law Exam # is for midterm exams of a substantial nature and final exams ONLY. It is NOT to be used on essays, papers or in-term assignments.

If for any reason a student does not see a Law Exam# on Minerva, please email info.law@mcgill.ca and include the McGill Student ID number.

Room Requests Procedures for Law Staff and Students

Complete information on room request policies & regulations and the on-line request form are found at <http://www.mcgill.ca/law-studies/room-bookings/>.

In order to use a room (including the Atrium & 609) in the Faculty of Law, a request MUST be submitted through the on-line Room Request Form. You will be required to login using your McGill username and McGill password.

Requests to book the Common Room, Room 16 and the 5th floor gallery must be made through the Dean's Office.

This form is to be used for all Faculty Law events: course reviews, course make-ups, conferences, seminars, workshops, student groups... This new on-line format will allow the SAO to track and follow up on requests under one resource email.

A minimum of 2 working days for processing is requested; however, you may experience a greater delay

during SAO peak periods (September/December/January/May).

Please note the following:

- If you decide to use a room without making an official booking, you may be asked to leave the room for an official event.
- Food and beverages are NOT permitted in any classroom.
- Rooms must be returned to their original condition (chairs, tables back in their original position as the room was designed). If a room is found in disarray after a booking, the person(s) who booked it may be liable for cleaning services at a minimum charge of \$245.

Enquiries regarding room requests may be sent to room-bookings.law@mcgill.ca.

Office Hours

Please take note of the following changes in SAO office hours:

SAO OFFICE HOURS:

Monday – Thursday 9:00 – 16:00

Friday 10:00 – 16:00 (New)

*except during exams, when we are open 9:00 - 17:00 Monday - Friday.

SAO DROP IN HOURS:

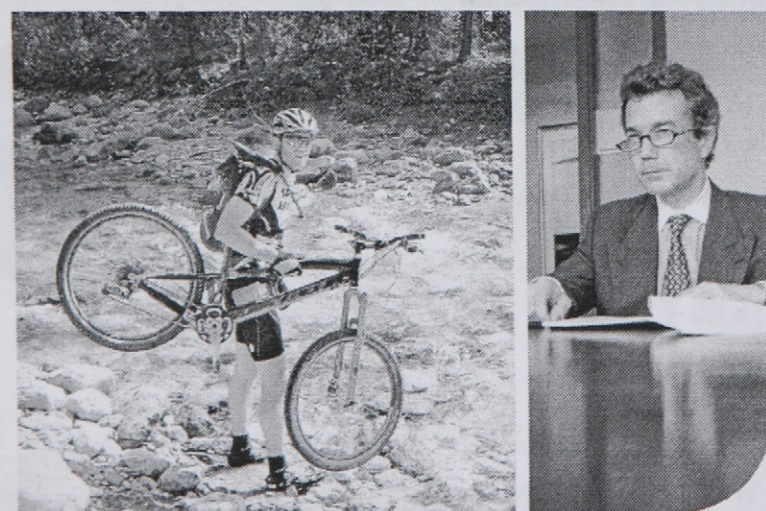
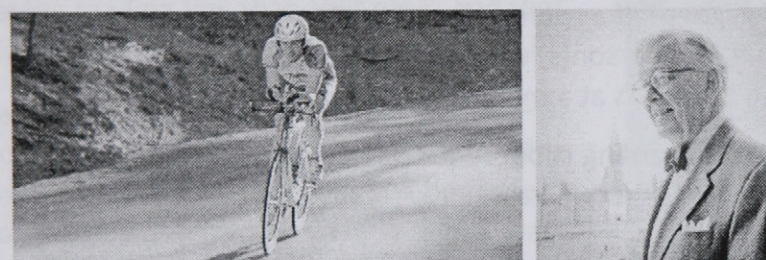
Mon 11:30 – 12:30 (New)

Tue: 10:00 – 11:00

Wed: 16:00 – 17:00

Thu: 9:00 – 10:00

<http://www.mcgill.ca/law-studies/sao/>



LES GRANDS AVOCATS DU MONDE SONT AVANT TOUT DE GRANDS CITOYENS DU MONDE.


À notre cabinet, vous travaillerez avec des avocats ayant conclu des transactions de plusieurs milliards de dollars, d'autres ayant représenté des premiers ministres et d'autres encore ayant plaidé devant la Cour suprême des causes qui ont fait jurisprudence. Qu'ils courent des marathons, vivent de grandes aventures ou se dévouent pour des causes humanitaires, vous verrez que les membres de notre équipe comptent plusieurs êtres d'exception. Chaque année, dans le cadre de nos programmes d'emplois d'été et de stages, nous cherchons à identifier des étudiants qui, tout comme nous, conjuguent leur coup de cœur pour le droit à un profond désir de se surpasser.

Nous ne sommes pas seulement à la recherche d'avocats exceptionnels, mais surtout d'êtres d'exception.

Pour consulter les fiches biographiques de nos avocats et voir si BLG répond à vos aspirations, visitez le site blg.com/etudiants.

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It begins with service



CATHERINE
COURSOL

WHAT'S GOING ON WITH THE LSA THIS SEMESTER?

Dear students,

Ce message a comme objectif de vous transmettre un bref aperçu de ce qui passe avec votre association étudiante. Je peux vous dire après un semestre complet à travailler avec tous les VPs, je me compte vraiment chanceuse d'avoir une aussi bonne équipe!

On a commencé l'automne en grand avec notre retreat où nous avons établi nos objectifs de l'année. Comme vous allez pouvoir le voir, on avance très bien. Je dois aussi vous dire que je suis très heureuse de votre participation à toutes nos activités, mais aussi aux différents débats au sein de la Faculté. Nous étions tous contents de voir autant de gens à notre Assemblée Générale et je vous invite à continuer activement à venir assister à ces débats, car comme vous le verrez plus loin, l'hiver sera assez occupé de ce côté! Bien sûr, vous n'êtes pas toujours d'accord avec nous, mais je crois fortement que le fait d'échanger nos opinions est une grande force et prouve que notre vie étudiante se porte bien.

Our first goal this year was to make the LSA more accessible and, as I said during my campaign last spring, I wanted to implement an open door policy. I am really proud of what we have accomplished since fall. I hope that you've noticed that every time there is an exec in the office, the door is open (except when we have meetings). We are also trying to participate as much as we can in events organized at the faculty by clubs or students. Moreover, we started this year with a new initiative: Breakfast with the execs every two weeks! It is always well-attended and we will definitely continue throughout the semester. It's always a pleasure to hear your comments and suggestions on how to improve student life at the Faculty.

Maintenant voici un bref topo de ce qui se passera cet hiver :

- Nous avons voté à l'automne contre la hausse des frais de scolarité et un Comité de mobilisation a été mis sur place. Que vous soyez pour ou contre venez leur apporter vos idées et solutions.

- Many events will be organized by your VP-Internals this winter. Il y aura plusieurs événements à la Faculté pour la Francofête dont une journée Québec d'Antan avec cabane à sucre et danse traditionnelle. Vous aurez les détails très bientôt!

- Un autre sujet chaud est bien sûr le JD/LLB. Un référendum vous sera sûrement proposé afin de connaître votre opinion. Nous voulons nous assurer que cette fois ci tous les étudiants comprennent bien les enjeux. Plusieurs questions se posent et le Comité JD/LLB travaille à y répondre.

- On February 8th, The LSA will be hosting a Special General Meeting to discuss the merits of Bill C-10 and whether the LSA should take a public stance on the issue.

- Soyez assuré que nous travaillons en ce moment pour trouver des solutions au manque d'espace de la bibliothèque, nous sommes en pourparlers avec le doyen afin de réaménager la faculté (ajout de fauteuils et espaces d'études). Nous pensons aussi à une solution pour permettre plus d'espaces d'études lors des examens ... c'est à suivre.

- This year, LSA clubs have organized an impressive array of lectures and social events, adding to the rich intellectual and cultural life of the faculty. We strongly encourage you to participate in as many events as you can in the winter semester.

- La semaine dernière, Dominic, président de première année, Georgia, VP-Académique et moi, nous nous sommes

rencontrés pour mettre sur pied le comité sur la Politique linguistique et déterminer l'échéancier. En effet, présentement, la politique linguistique de la Faculté date de 1992 et nous pensons qu'il est temps 20 ans plus tard de la regarder et d'y faire les modifications appropriées. Si la langue française vous tient à cœur, je vous encourage fortement de venir participer à nos réunions – les informations seront bientôt mises sur le site web et dans le Listserv.

- You will soon be able to read our Constitution and By-laws in both languages thanks to our Translation Committee which has worked very effectively this year!

- Les événements sponsorisés tirent bientôt à leur fin, un gros bravo à notre VP PR pour le travail qu'elle a fait cette année! Participez en grand nombre aux derniers événements! Aussi, n'hésitez pas à me contacter si vous avez des questions en général sur la Course aux stages, ayant passé par le processus il y a 2 ans, je peux essayer de diminuer votre stress.

Enfin, la fin de notre mandat arrive très rapidement et nous devons déjà penser à notre relève! Si faire partie de l'AÉD vous intéresse, je vous encourage dès maintenant à venir manifester votre intérêt et découvrir plus précisément ce que nous faisons au quotidien. Vous êtes les bienvenus à toutes les réunions. Send us emails to tell us about your interests and we will be sure to provide you all the information that you need. It will also help the transition if you already know the ins and outs of your future position! Notre site web regorge aussi de plein d'informations, continuez à le consulter fréquemment!

Bonne session!

30 ans après le rapatriement : quel avenir pour la Constitution?



Daniel Turp
Université de Montréal



Benoît Pelletier
Université d'Ottawa



Serge Rousselle
Université de Moncton

vendredi, le 3 février, 2012 • 13h30—16h00

la salle du tribunal-école Maxwell-Cohen (salle 100)

Nouveau Pavillon Chancellor-Day

Faculté de droit de McGill

3644 rue Peel, Montreal, QC, H3A 1W9

Joignez nous pour des rafraîchissements après le débat!



30 ans après le rapatriement: quel avenir pour la constitution?

MONTREAL, le 23 janvier, 2012 -- La Revue de droit de McGill est heureuse de vous inviter, le vendredi 3 février 2012 à 13:30, pour un débat sur le thème de la Constitution qui réunira les distingués professeurs Benoît Pelletier (Université d'Ottawa), Daniel Turp (Université de Montréal) et Serge Rousselle (University de Moncton).

As the 30th anniversary of the repatriation of the Constitution approaches, the Journal wishes to take advantage of the recent political situation -- namely the results of the last federal election, the recent crisis within the Quebec sovereignty movement, the recent Harris-Decima poll which suggests that most Canadians are now willing to reopen the Constitution, etc.. -- to broach various themes linked to the Constitution, as well as Quebec and Canadian politics.

Alors que certains commentateurs annoncent la fin de la "grille Meech" et prévoient un profond bouleversement du

contexte dans lequel les enjeux constitutionnels sont abordés depuis plusieurs décennies, la Revue estime qu'il serait intéressant de se pencher à nouveaux frais sur diverses questions telles que l'éventuelle adhésion du Québec à la Loi constitutionnelle de 1982, la réforme ou l'abolition du Sénat ou encore les modifications pouvant être apportées au système électoral canadien.

We believe that this debate will give rise to an invigorating and interesting discussion and, as we anticipate a great number of attendees, we encourage you R.S.V.P. before February 1st, 2012.

The debate will begin at 1:30 pm in Room 100 (Moot Court) of New Chancellor Day Hall (3644 Peel Street) at McGill's Faculty of Law. The debate will be followed by a reception.

Pour plus de renseignements, veuillez contacter Laure Prévost ou Simone Samuels au (514) 398-7397 ou journal.law@mcgill.ca

Books that I liked

As you surely know, Nahum Gelber Law Library is constantly acquiring new books that can help you in your studies. Beginning from this issue, I will try to 'showcase' one or two of them that I find particularly interesting in the section "Books that I liked". It does not mean that I do not like other books that we are buying

- Entre amour et droit: le lien conjugal dans la pensée juridique moderne (XVIe-XXIe siècles)/ Arnould Bethery de la Brosse.

L'auteur se livre à une enquête historique qui le plonge jusqu'aux sources de notre modernité juridique. Cette aventure l'amène à faire revivre la grande controverse entre amour et droit - dont l'importance des enjeux ne rivalise qu'avec la profondeur de vue des grands auteurs étudiés.

- Droit civil illustré/ Philippe Malaurie, Philippe Delestre

Les textes de Philippe Malaurie sont combinés aux illustrations de Philippe Delestre dans ce manuel drôle et décalé. Chaque chapitre n'est constitué que de deux pages : un texte court pour expliquer la règle de droit et un croquis léger pour l'illustrer. Ce livre touche à tous les aspects du droit civil, de l'inflation législative à au régime dotale et en effet, le Droit civil illustré est un ouvrage de divertissement en même temps que d'information.

TaxNet.pro

Since January 2012, McGill Library bought campus-wide access to the TaxNet.pro database, THE database on tax law and policy. The database has now moved to a new platform that makes your research easier and faster. If you would like to learn more about this database, I would advise you to take a look at its "Learn-it" section. The Learn-It area has been created for users to allow them to discover the enhanced features of Taxnet Pro through a wide selection of video tutorials.

Newlook de Doctrinal Plus

Le doctrinale Plus, la base de données bibliographiques résultant du recensement quotidien des articles de doctrine parus dans de plus de 150 périodiques et une base de textes officiels (français et européens) et de la jurisprudence des Cours supérieures (françaises et européennes) a obtenu a newlook. La navigation et la recherche sont devenues plus simples et plus intuitives.

Question – Answer

- I have a problem accessing the ICC Dispute Resolution Library. Even though I am connected to the VPN, I am getting this message "Restricted access - please log in" whenever I click on something I'd like to read.

Due to some technical reasons, we cannot provide an automatic login into this database. To access the licensed content of the ICC Dispute Resolution Library you need to log in using the information that appears on the screen when you click on the link to ICC Dispute Resolution Library in our subject guide (Username: McGillLibrary Password: McGillLibrary746)

Library is Open for Study 24 h Monday-Thursday

Just to remind you that you do not need to leave the building at 6:00 p.m. when the services are closing. You can study in the Nahum Gelber Law Library 24 h Monday – Thursday.

In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina svetlana.kochkina@mcgill.ca, Liaison Librarian Nahum Gelber Law Library.

**JESSE
GUTMAN**

CAPSLE REPORT

In May 2011, I presented a paper at the Canadian Association for the Practical Study of Law and Education's annual conference. The organization is a pre-eminent organization in Education law and I had the opportunity to learn and share in a diverse environment – with teachers, administrators, lawyers, government, union representatives, and other interested parties. Without the support of the Beaverbrook foundation, my participation would have not been possible. I would also like to explicitly thank the LSA and dean's discretionary fund – for support and 'inspiring' this article.

The paper I presented was a review of Justice Education and the student-initiated seminar I prepared in 2010. I presented several questions regarding the role of universities and law students in the 'public legal education' or 'citizenship education'. I had some time to meditate on the subject before, during, and in the time that has lapsed since the 2010 seminar. The paper allowed me to synthesize my thoughts and evaluate the entire experience with a critical lens.

At the outset of law school, I had no ambition to pursue 'education law' as a specialization. Before law school I was a high school teacher, but intended to use my law studies for social justice issues. After some inspiration from a colleague, I entered into the High School Outreach Program. The interplay between learning, law, society, and ideas of justice has captured me for some time. This inspired me to write a "citizenship education" paper with Professor Rod Macdonald. After putting on the Seminar "Justice Education: from classroom to the university", I moved into an internship at Toronto-based legal clinic, Justice for Children and Youth, which boasts a specialization in education law. I also started work with Professor Shaheen Shariff in the Education faculty on related subjects. (receiving?) Support for the conference allowed me to deepen my connection to the issues, giving me an opportunity to interact with the leaders in this area.

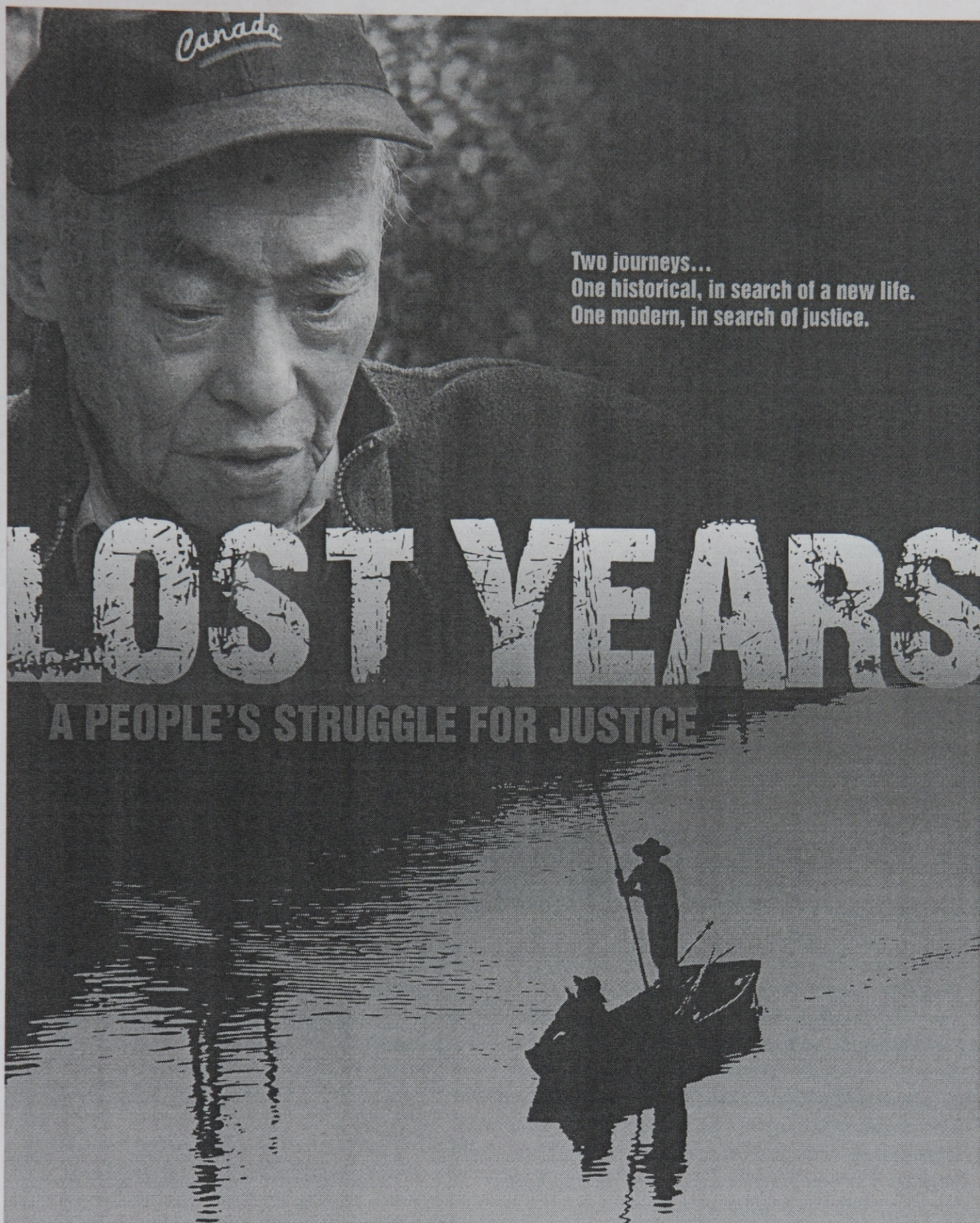
Attending the CAPSLE conference was an excellent experience for many reasons. As a law student, it is

important to have the opportunity to share your ideas and opinions outside the school context. At this conference, I was still held to a high standard of quality, yet the bar was not enforced through a grade; instead, utility was the evaluator. I met with various individuals from across Canada and grasped the diversity within the field. Indeed, this participation opened my eyes to potential future projects and current issues within the field.

My particular presentation was not as well attended as I would have liked. I prepared a powerpoint, hand-outs, interactive activities – but due to my over-estimation of the numbers, the presentation did not go as planned. Indeed, the majority of conference participants were teachers and administrators – all of whom much preferred specific policy / practical based presentations on grievance procedures and the like. For better or worse, my own presentation was limited to a group of individuals who had some specialization in the area of Justice Education. This was nice insofar as it allowed for a fruitful discussion of the subject. I was disappointed that I could not get fresh eyes on the subject matter, but I hear (from graduate student friends also shopping their papers) that getting numbers is often a difficulty.

I enjoyed discussing McGill's HSOP program and justice education generally. I hope that my contribution to the broad structure helps empower the program and its participants to keep on producing quality material and a healthy structure.

As a quick note, fellow McGillians, be aware that you are well placed to apply for the CAPSLE fellowship. It is broad in scope and generous in funding. All you need is an interest in education law. McGill has won before, and I was a runner-up. It is a great opportunity for those seeking professional development and connections in an interesting area of law. McGill is well-placed for this award due to our coveted trans-systemic pedagogy.



Two journeys...
One historical, in search of a new life.
One modern, in search of justice.

LOST YEARS

A PEOPLE'S STRUGGLE FOR JUSTICE

A documentary by Lost Years Productions Inc. 8 www.lostyears.ca

A film screening presented by the Asia Pacific Law Association of McGill & Contraste Agence d'Art

Thursday, February 9, 2012 at 7:00 pm
Rm 100, New Chancellor Day Hall
3660 Peel Street, Montreal

Free admission. Seats available on a first come, first served basis.

ASIA PACIFIC



Produced in association with



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Canadian Film or Video
Production Tax Credit

Canada

New Media
supported in part by
Industry Canada
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OVERHEARD AT THE FAC

3L (en parlant du Quid Novi): Oh, ils ont recommencé à publier ce truc... Gaspillage de papier.

3L: Effectivement.

(*Haters gonna hate —Ed.*)

2L: Il me semble que le parvis de la faculté n'était pas aussi large auparavant... On devrait confier le mandat d'investigation à Jutras... Superhéros Jutras!

2L: I will stand facing the wind.

2L: Odd...

2L: It is better for my hair.

Me Grossman, *on experts witnesses with no last name*: Come on, you wouldn't trust Madonna to testify on door handles?

Me Nadon: Je dis pas de ne pas aller en Gaspésie; c'est vraiment loin, c'est vraiment frette, mais ça vaut la peine.

Prof. [redacted]: Does the use of marijuana do little to harm others? Anyone who can speak from experience?

Overheard from lawyers at the mootng workshop...

"If you are in litigation, you will be the biggest paid storytellers on earth!"

"I was on a 5 month trial. When did that end again...? I've forgotten because half my brain cells are gone."

"I sometimes argue with my significant other about inconsequential things... I will concede something – I won't even say she

was right - and it is like magic! 'Ok maybe we can go to the Star Trek marathon after all!'"

On judges catching on to a weakness in your case that you don't address: "Dangerous: he's gonna start thinking on his own."

SEND OVERHEARDS!

quid.overheard@gmail.com

Please send in quotes from professors with names - we will redact them if necessary. However, always send student quotes as anonymous (1L, 2L, Grad, etc.). Merci!

EDITORIAL (continued from page 3)

Words hurt and what gives us the right to hurt those who are different? Why do we have to create such a vivid division in the first place? Us, law students and them, non-law students. Is it because our faculty is actually a small community? Are we a united family? Maybe! Does it justify our behaviour? Not in my opinion. Quite frankly, when I hear SNAIL jokes, or I read SNAIL Facebook statuses or I look at how my friends are treated in the faculty, the first thing that strikes my mind is that we need to calm down: yes, there is a lack of space in the faculty; yes, we are allowed to get mad; yes, we need to fight for what we think is ours with the administration; no, we don't have the right to insult those who are not in law (I use the word insult because I have heard insults).

Ceux qui ont financé la bibliothèque de la faculté se retourneraient dans leur tombe sachant que leurs successeurs ont tout oublié de la civilité.

Avons-nous perdu le contrôle? Nous ne nous considérons pas comme l'élite de la société, du moins, je l'espère; alors pourquoi faire déglutiner la prétention des murs de notre faculté?

A law student should not lose his pride by walking to another library. The med students' library is only five minutes away and trust me, no one will look at you and whisper "SNAIM". The Blackader library and the Islamic Studies library are only ten minutes away and, despite their overwhelmingly undergraduate population, they are not filled with immature undergrads who speak, eat, Facebook chat or make out! Inconsiderate people are everywhere, as much in a law faculty as elsewhere.

The movie *Chocolat* being my bible, I would like to end on this quote: "We've got to measure goodness by what we *embrace*, what we create... and who we include."



Valentine's Day happens to be a Tuesday this year, which is perfect for the Quid's traditional **Valentine's Day issue**. Every year, it is filled with nothing less than capital 'L' Love by students that send short Valentine's messages to one another.

This is what you have to do: **send us your valentines at quid.law@mcgill.ca, subject line "Valentines"**. *Grazie mille!* DEADLINE: Thursday, February 9th at 5pm!

You can profess your undying love for a classmate or simply shout-out a friend who means a lot to you. You can propose marriage to your steady, or simply let your secret crush know (anonymously) that they have a secret admirer. Just think of the possibilities!

Send as many as you like. Love knows no bounds!



Vous voulez sans doute participer maintenant. Voici plus de détails techniques pour vous mettre sur la bonne piste:

For the sender and intended recipient(s), indicate student year and initials.

Example : From MAP (2L) to TGVV (2L) : Mandy is randy for your layout skills, baby!

If you are unsure of the year, you may use question marks. To remain anonymous (on either or both sides), simply use question marks.

Example:
From CF (3L) to ?? (2L): You are the Nahum to my Gelber.

For LLM students write LLM, and for exchange students, simply use EXC. If you aren't sure, use question marks.

Example:
From ?? to JG (EXC): Scotland is not that amazing, but thanks for playing. Love you like you love haggis!

Keep it classy, or at least try to... It's a fine line, so use your judgment and please don't make the Quid Editorial Team agonize over it. See first example above: that one is right on the line...

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